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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,937	12/27/2000	Steven D. Curtin	CURTIN 16	3480

7590 08/08/2006

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,937	CURTIN, STEVEN D	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 06/05/2006, have been entered and made of record. Claims 1-22 are pending.

Response to Arguments

2. Applicant's arguments filed 06/05/06 have been fully considered but they are not persuasive.

In re page 8, Applicant states "Okamoto discloses detection of copy information at analog input 12 for deactivation of recording of a video signal on a storage media NOT disclosing detection and deactivation being performed for the SAME given storage media...."

In response the Examiner respectfully disagrees. Okamoto discloses a recording/reproducing control circuit for controlling recording/reproducing operation. Okamoto discloses the analog signal is recorded (see col. 3 lines 1-5). Okamoto further discloses a control signal detection circuit for detecting a control signal contained in the analog video signal. Okamoto further discloses control information is recorded on the magnetic tape. Okamoto further discloses in the control signal detection circuit, copy information contained in the analog video signal is detected. Okamoto further discloses inhibition of copy is performed in accordance with contents of copy information (see col. 3 lines 12-25).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action

4. Claims 1, 3, 5-9, 11, 13-16, 18, 20, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto (US Pat. No. 5,627,655).

Regarding claim 1, Okamoto discloses an electronic write protect apparatus for storage media comprising:

at least one record/play element for reading and writing information to/from a given storage media (see col. 2 lines 43-65 and fig. 1);

a pre-existing electronic information signal detection element to read a pre-existing electronic information signal stored on said given storage media (see col. 2 line 66-col. 3 line 18),

a record circuit, adapted to record on said given storage media, to activate and deactivate said at least one record/play element based on a mere existence of a pre-recorded signal already recorded on said given storage media, as detected by said pre-existing information signal detection element (see col. 3 lines 18-25).

Regarding claim 3, Okamoto discloses at least one record/play element is attached to a spinning element (see fig. 1 rotary head (1) and col. 2 lines 46-50, col. 3 lines 46-50).

Regarding claim 5, Okamoto discloses pre-existing electronic information signal detection element is attached to said spinning element (see fig. 1 rotary head (1) and col. 3 lines 7-18).

Regarding claim 6, Okamoto discloses storage media is a video tape (see col. 2 lines 46-50 and col. 3 lines 5-9).

Regarding claim 7, Okamoto discloses storage media stores digital information (see col. 3 lines 26-45).

Regarding claim 8, Okamoto discloses pre-existing electronic information signal detection element is a record/play element (see col. 2 lines 50-59 and col. 3 lines 7-25).

The method and means claims 9 and 16 are rejected for the same reasons as discussed in the corresponding apparatus claim 1 above.

The method and means claims 11 and 18 are rejected for the same reasons as discussed in the corresponding apparatus claim 3 above.

The method and means claims 13 and 20 are rejected for the same reasons as discussed in the corresponding apparatus claim 5 above.

The method and means claims 14 and 21 are rejected for the same reasons as discussed in the corresponding apparatus claim 7 above.

The method and means claims 15 and 22 are rejected for the same reasons as discussed in the corresponding apparatus claim 8 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

6. Claims 2, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Takayama.

Regarding claim 2 Okamoto discloses the claimed invention except a plurality of record/play elements. Takayama discloses storage media comprising a plurality of record/play elements (see col. 4 lines 25-31 and fig. 3 recording heads 12A and B and 13A and B). Therefore in light of the teaching in Takayama it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of record/play elements in order to increase the quality of the signal to be recorder/reproduced.

The method and means claims 10 and 17 are rejected for the same reasons as discussed in the corresponding apparatus claim 2 above.

7. Claims 4, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamoto in view of Yuen (US. Pat. No. 6487362).

Regarding claim 4, Okamoto discloses the claimed invention in claim 1 except a stationary record/play element. Yuen discloses an apparatus for storage media wherein one record/play element is stationary (see col. 91 lines 47-55 and fig. 1 read (17) and write (19)). Therefore in light of the teaching in Yuen it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a stationary record/play element for the write protect apparatus of Okamoto because Yuen teaches a stationary record/play element provides an updated current information about the tape (see col. 4 lines 26-33).

The method and means claims 12 and 19 are rejected for the same reasons as discussed in the corresponding apparatus claim 4 above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

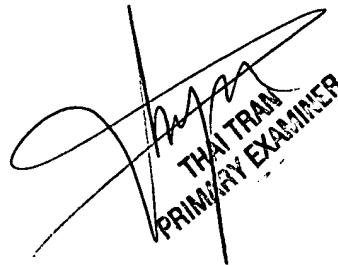
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
July 26, 2006



THAI TRAN
PRIMARY EXAMINER